

REMARKS

Claims 21-53 remain pending in the application. Claims 26, 41 and 43 have been identified as representing allowable subject matter. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

I. Rejection of Claims Under 35 U.S.C. § 103(a)

Claims 21-25, 27-34, 36-40, 42 and 44-52 stand rejected under 35 USC §103(a) based on Aubuchon in view of Greywall, and now further in view of Mei et al. Remaining claims 35 and 53 are rejected based on Aubuchon, Greywall and Mei et al., and further in view of Mushika et al. Applicants respectfully request withdrawal of these rejections for at least the following reasons.

Mei et al. is a newly cited reference. In their previous response, applicants amended independent claims 21 and 36 to recite that “the elastic supporting member is connected to an outer periphery of the base and is connected to the moveable section only at a central portion of the moveable section.” (See, e.g., Fig. 1A.) The Examiner now relies on Mei et al. as disclosing such feature. Specifically, the Examiner contends that it would have been obvious to one having ordinary skill in the art to modify the teachings of Aubuchon and Greywall, in view of Mei et al., so as to provide such feature thereby resulting in the claimed invention.

Applicants respectfully submit that the combination proposed by the Examiner would not have been obvious. In particular, the combination proposed by the Examiner would render the combination itself non-operative for its intended purpose.

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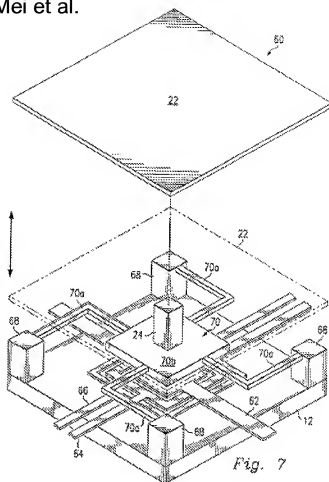
More specifically, Fig. 7 of Mei et al. (reproduced herein) exemplifies the arrangement taught in Mei et al. In Mei et al., the mirror 22 is moved by an electrostatic force occurring between the flexible member 70 and the electrodes 62,64,66. (See also Fig. 6).

In such a device, if an electrostatic force is formed between the mirror 22 and the electrodes 62,64,66 (as opposed to between the flexible member 70 and the electrodes 62,64,66), such an electrostatic force will have a negative influence on the driving of the device. Accordingly, the mirror 22 must be kept as far away as possible from the electrodes 62,64,66 so as to avoid such an electrostatic force.

Consequently, Mei et al. teaches that the mirror 22 is connected to and spaced apart from the flexible member 70 by a connecting portion 24. However, such an arrangement would not be compatible or suitable with the construction of Aubuchon. In Aubuchon, the electrode configuration (e.g., 76 in Fig. 3B) and mirror 48 are arranged in order that an electrostatic force is created between the mirror 48 and the electrode 76. (See, e.g., Col. 10, Ins. 12-33). Thus, the operation of the device in Aubuchon is premised on providing electrostatic forces between the mirror itself and the electrodes; whereas the operation of the device in Mei et al. is premised on avoiding electrostatic forces between the mirror and the electrodes.

To modify the device in Aubuchon as taught in Mei et al. so as to connect the elastic supporting member to the moveable section only at a central portion of the moveable section, one would have to utilize a connecting portion as taught in Mei et al.

Mei et al.



so as to separate the mirror 48 from the electrodes 76. But as explained above, separating the mirror 48 from the electrodes 76 would result in the mirror 48 not being able to be driven as an electrostatic force would not occur between the separated mirror 48 and electrodes 76.

Applicants therefore respectfully submit that the combination proposed by the Examiner would not have been obvious as it would render the modified device in Aubuchon unsuitable for operation. Withdrawal of the rejection of claims 21 and 36 is respectfully requested along with the rejection of the claims dependent therefrom.

II. Conclusion

For the foregoing reasons, claims 21-53 are allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to any outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988, Docket No. OKUDP0178US.

Respectfully submitted,

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